

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

MAR 13 2009

JOHN F. CORCORAN, CLERK  
BY:  DEPUTY CLERK

DAVID E. CALKINS,

*Plaintiff,*

v.

PACEL CORPORATION,

*Defendant.*

CIVIL No. 3:07CV00025

**ORDER**

JUDGE NORMAN K. MOON

This matter is before the Court on the Motion for Summary Judgment by Counterclaim Defendants F. Kay Calkins and Duchesse Farms, LLC, as well as the Motion for Summary Judgment by Plaintiff David Calkins. For the reasons set forth in the accompanying Memorandum Opinion:

1. David Calkins' Motion for Summary Judgment is **GRANTED** with prejudice. Judgment shall be entered in David Calkins' favor in the amount of \$1,245,486.23 in damages;
2. Pacel Corporation's counterclaims against David Calkins, Kay Calkins, and Duchesse Farms, LLC are **DISMISSED** with prejudice pursuant to Federal Rule of Civil Procedure 41(b);
3. Kay Calkins' and Duchesse Farm's Motion for Summary Judgment is **DENIED** as **MOOT**;
4. Kay Calkins' and Duchesse Farm's oral Motion to Quash Lis Pendens is **GRANTED** with prejudice. The lis pendens filed by Pacel Corporation against Duchesse Farm's real property located at 14048 Lee Highway, Amissville, Virginia, 20106, as shown on Tax Map Parcel No. 31-30 is **QUASHED**.

5. This case is hereby **TERMINATED** and **STRICKEN** from the Court's active docket.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record and to Defendant.

Entered this 13<sup>th</sup> day of March, 2009.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE